

Supplement to Government Gazette

PERTH: FRIDAY, FEBRUARY 17.

No. 11472—C.S.O.

THE NAVIGATION ACT, 1904.

1905

PROCLAMATION

WESTERN AUSTRALIA, }
TO WIT. }
By His Excellency Admiral Sir FREDERICK
GEORGE DENHAM BEDFORD, Knight Grand
Cross of the Most Honourable Order of the
Bath, Governor in and over the State of
Western Australia and its Dependencies,
etc., etc., etc.

WHEREAS by "The Navigation Act, 1904," there is conferred upon such Local Courts as may be proclaimed by the Governor for the purpose, jurisdiction to hear and determine inquiries, appeals, and references under the said Act: AND it is provided that a Local Court exercising such jurisdiction shall be a court of record and shall be called a Court of Marine Inquiry: NOW THEREFORE I, the said Governor, with the advice of the Executive Council, do hereby proclaim the Local Courts holden at Albany, Broome, Bunbury, Carnarvon, Cossack, Fremantle, and Geraldton, respectively, as Courts of Marine Inquiry to exercise such jurisdiction under the said Act as aforesaid, and appoint the Magistrates of the said Local Courts to sit as Magistrates of Courts of Marine Inquiry for the purpose of hearing and determining appeals under Section seventy-one of the Act.

Given under my hand and the Public Seal of the said State, at Perth, this 17th day of February, 1905.

By His Excellency's Command,

GEORGE TAYLOR,
Colonial Secretary.

GOD SAVE THE KING !!!

No. 11473.—C.S.O.

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Colonial Secretary's Office,
Perth, 17th February, 1905.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following Rules of Courts of Marine Inquiry under the provisions of "The Navigation Act, 1904."

F. D. NORTH,
Under Secretary.

RULES OF COURTS OF MARINE INQUIRY.

Short title and commencement.

1. These rules may be cited as the "Court of Marine Inquiry Rules, 1905." They shall come into operation on the date of their publication in the *Government Gazette*, and shall, so far as practicable, and unless otherwise expressly provided, apply to all matters arising in any pending inquiry, appeal, or reference, and also to all inquiries, appeals, references, or re-hearings instituted on or after that date.

PART I.

INTERPRETATION.

2. "Court" means a Court of Marine Inquiry.
"Clerk" means the officer performing for the time being the duties of the Clerk of a Court of Marine Inquiry.
"Chief Harbour Master" includes any person authorised to perform his duties under the Act.

PART II.

APPOINTMENT OF COURT AND NOTICE TO PARTIES.

Clerk to inform Magistrate when notice of appeal filed.

3. Immediately upon the filing of a notice of appeal or reference, the Clerk shall communicate the fact to the Magistrate of the Court, who shall appoint a time and place for the hearing of the appeal or reference.

Notice to parties.

4. As soon as the Clerk has ascertained when an appeal or reference will be heard, he shall send notice thereof to the Chief Harbour Master, and to the appellant, or, in the case of a reference, to the owner or master, in the form No. 2 in the Appendix.

Chief Harbour Master to give notice to complainant.

5. If the appeal or reference is in respect of the detention of a ship after a survey made on the complaint of any person, hereinafter called the complainant, the Chief Harbour Master shall send to him notice of the time and place appointed for the hearing.

Notice of inquiry.

6. When the time and place for holding an inquiry have been fixed by the Court, the Clerk shall cause a notice, to be called a notice of inquiry, to be served upon the Chief Harbour Master, and the owner, master, and officers of the ship, as well as upon any person whom the Court may direct to be served with such notice. The notice shall be in the form No. 5 of the Appendix, with such variations as circumstances may require.

PART III.

ASSESSORS.

Qualifications of Assessors.

1. Persons placed on the List of Assessors, who assist in a Court of Marine Inquiry, under "The Navigation Act, 1904," shall be classified according to their qualifications as follows:—

Qualifications—Classes.

Class I.—Mercantile Marine Masters.

- (a.) Five years' service as a master in the merchant service, of which two years must have been service in command of a sailing ship with a certificate of competency.
- (b.) Five years' service as a master in the merchant service, of which two years must have been service in command of a steamship with a certificate of competency.

Class II.—Mercantile Marine Engineers.

Five years' service as an engineer in the merchant service, and at the time of appointment holding a first-class certificate of competency as an engineer.

Appointment of Assessors.

2. Subject to these Rules, Assessors for investigations into shipping casualties shall be appointed from the List of Assessors by the Colonial Secretary, and, so far as in his opinion circumstances permit, shall be taken in order of rotation from each class or sub-class above mentioned.

3. If any investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of a master, mate, or engineer, there shall be appointed from the list of assessors not less than two assessors from Class I. and Class II., or from either of those classes.

4. Subject to any special appointment or appointments which the Colonial Secretary may think it expedient to make in any case where special circumstances appear to him to require a departure from these Rules (the requirements of the last preceding Rule being always complied with), assessors shall be appointed as follows:—

- (1.) Where the investigation involves, or appears likely to involve, the cancelling or suspension of a certificate of a master or mate, but not of an engineer, at least two assessors shall be appointed from Class I.
- (2.) Where the investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of a master or mate of a sailing ship one at least of the assessors shall be appointed from subsection (a.) of Class I.; and where the investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of a master or mate of a steamship, one at least of the assessors shall be appointed from subsection (b.) of Class I.
- (3.) Where the investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of an engineer, one at least of the assessors shall be appointed from Class II.



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